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EXAMINER	
POINVIL, FRANTZY	
ART UNIT	**PAPER NUMBER**
3692	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/041,719	AHLES, DANIEL R.	
	Examiner	Art Unit	
	Frantzy Poinvil	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/18/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 15-16, 18-19 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Carney et al (US Patent No. 5,890,141).

As per claim 1, Carney et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Carney et al teach a method of determining the accuracy of a check identifier entered by a user from a computer (see the abstract). The method comprise:

receiving a first check identifier that has been entered by a user from a computer, the check identifier identifying a negotiable instrument (column 7, lines 12-23 and lines 50-60) ;

comparing the first check identifier with checking account records stored in a database (column 7, lines 23-36);

if the first check identifier does not relate to a checking account record stored in the database, requesting that the user reenters the first check identifier thereby obtaining a second check identifier (column 7, lines 50-67);

comparing the second check identifier with the first check identifier; and accepting the second check identifier, if the second check identifier is consistent with the first check identifier (column 7, lines 50-67).

As per claim 2, Carney et al teach the first check identifier comprises a routing number, an account number, and a check number (column 4, lines 31-58 and figure 1 of Carney et al.).

As per claim 3, Carney et al further teach receiving a check identifier wherein the check identifier comprises a plurality of digits (Column 4, lines 31-58 and figure 1), and wherein at least some of the digits have been entered by a user (column 7, lines 12-23 and lines 50-60); and requesting reentry of the check identifier if the received check identifier does not relate to an entry in a database (column 7, lines 50-67).

As per claim 4, Carney et al teach the check identifier comprises a routing number, an account number, and a check number (column 4, lines 31-58), wherein requesting reentry of the check identifier comprises requesting reentry of the check identifier if the routing number and the account number of the received check identifier do not match an entry in a database (column 7, lines 37-67).

As per claim 5, Carney et al further teach storing in a database data about multiple checking accounts (column 3, lines 9-24);

receiving a check identifier wherein the check identifier comprises a plurality of digits, and wherein a user has entered at least some of the digits (column 7, lines 12-23 and lines 50-60); and

requesting reentry of the check identifier if the received check identifier does

not relate to the data stored in the database (column 7, lines 37-67).

As per claim 6, Carney et al teach storing in a database data about multiple checking accounts comprising storing in the database at least a routing number and an account number of each of the multiple checking accounts (column 3, lines 9-24).

As per claim 7, Carney et al disclose the check identifier comprises a routing number, an account number and a check number (column 4, lines 32-58).

As per claim 8, Carney et al disclose accepting the received check identifier as a correct entry if the received check identifier relates to the data stored in the database (column 7, lines 34-37).

As per claim 9, Carney et al further disclose:

receiving a reentered second check identifier (column 7, lines 50-59);

comparing the second check identifier with the first check identifier; and

accepting the second check identifier as a correct entry if the second check identifier matches the first check identifier (column 7, lines 59-64).

As per claim 10, Carney et al further teach storing at least the routing number and the account number of an accepted check identifier in the database (column 3, lines 9-24).

As per claim 11, Carney et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Carney et al teach a method of confirming the correct entry of a check identifier in MICR format associated with a check transaction, the method comprises:

storing in a database, portions of multiple check identifiers in MICR format associated with multiple checking accounts (column 3, lines 9-24), wherein the portions of a check identifier comprise at least a routing number and an account number of the check identifier (column 3, lines 9-24);

receiving a first user-entered check identifier in MICR format associated with a check transaction (column 7, lines 12-23 and lines 50-60);

requesting reentry of the first user-entered check identifier if the routing number and account number of the first user-entered check identifier do not match the routing number and account number of one of the check identifiers stored in the database (column 7, lines 50-67);

receiving a second user-entered check identifier in MICR format in response to the request to reenter the first user-entered MICR, and accepting the second user-entered check identifier if the second user-entered check identifier matches the first user-entered check identifier (column 7, lines 50-67).

As per claim 12, Carney et al disclose receiving a first user-entered check identifier comprises receiving a first check identifier typed by the user on a computer keyboard (column 7, lines 50-67).

As per claim 15, Carney et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Carney et al teach a system for confirming the correct entry of a check identifier entered by a user, the system comprising:

receiving module configured to receive a first check identifier entered by a user and further configured to receive a second check identifier entered by the user figures 2a and 2b;

a searching module configured to search a database connected to the system for a record that relates to the received first check identifier (column 7, lines 25-67); and

a requesting module configured to transmit a request for receiving a second check identifier entered by the user, if the searching module cannot find in the database a record that relates to the received first check identifier (column 7, lines 25-67).

As per claim 16, Carney et al disclose the receiving module is configured to receive a first check identifier entered by a user from a computer and further configured to receive a second check identifier entered by the user from the computer (column 7, lines 25-67).

As per claim 18, Carney et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Carney et al teach a system for confirming the correct entry of a check identifier entered by a user. The system comprises:

a storing module configured to store in a database records about multiple checking accounts, the database being connected to the system (column 3, lines 9-24);

a receiving module configured to receive a first check identifier entered by a user and further configured to receive a second check identifier entered by the user (column 7, lines 12-67);

searching module configured to search the database for a stored record that relates to the received first check identifier and a requesting module configured to transmit a request for receiving a second check identifier entered by the user, if the searching module cannot find in the database a stored record that relates to the received first check identifier (column 7, lines 12-67).

As per claim 19, Carney et al further teach the storing module is configured to store in the database a routing number and an account number of each of the multiple checking accounts (column 3, lines 9-24), and wherein the searching module is configured to search the database for a stored record whose routing number and account number match the routing number and account number of the received first check identifier (column 7, lines 12-67).

As per claim 24, Carney et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Carney et al teach a system for confirming the correct entry of a check identifier, the system comprises a processor circuit configured to store in a database multiple checking account records, the processor circuit being further configured to receive a first check identifier entered by a user and to receive a second check identifier entered by the user, the processor circuit being further configured to search the database for a stored checking account record that relates to the received first check identifier, and the processor circuit being further configured to transmit a request for receiving a second check identifier entered by the user, if the processor circuit cannot find in the database a stored checking account record that relates to the

received first check identifier. Applicant is referred to figures 2a and 2b and columns 3 and 7 of Carney et al.

As per claim 25, Carney et al disclose the processor circuit is configured to store in the database a routing number and an account number of each of the multiple checking account records. See column 3, lines 9-27 and column 4, lines 32-59.

As per claim 26, Carney et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Carney et al disclose a system for confirming the correct entry of a check identifier entered by a user, the system comprises:

a receiving means for receiving a first user-entered check identifier (column 7, lines 12-22;

a searching means for searching in a database for a stored record that relates to the first user-entered check identifier (column 7, lines 27-67);

a requesting means for requesting the user to enter a second user-entered check identifier if the searching means cannot find a stored record in the database that relates to the first user-entered check identifier (column 7, lines 12-67);

a comparing means for comparing the second user-entered check identifier with the first user-entered check identifier; and an accepting means for accepting the first user-entered check identifier as a correct entry if the second user-entered check identifier matches the first user-entered check identifier or if the searching means has found a stored record in the database that relates to the first user-entered check identifier (column 7, lines 12-67).

As per claim 27, Carney et al disclose storing means for storing in the database checking account records (figures 2a and 2b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13, 14, 17 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (US Patent No. 5,890,141).

As per claims 13, 14 and 17, the teachings of Carney et al are discussed above. Carney et al do not explicitly state receiving a first user-entered check identifier comprises receiving a first check identifier or a second check identifier keyed by the user on a touch-tone telephone or receiving a first check identifier spoken by the user into a telephone. As per these features, the Examiner asserts that it is well known in the art at the time of the invention for a purchaser or buyer performing a remote purchase to either use a touch tone phone to input their check number or the MICR line. The user may also opted to speak these information to an operator or a voice recognition system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to also incorporate such a feature in the system of Carney et al in

order to allow or facilitate remote purchasing by a customer or user from a remote merchant.

As per claim 20, Carney et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Carney et al teach:

a check processing system for confirming the correct entry of a check identifier, the check processing system comprising a receiving module configured to receive a first check identifier from a user and to receive a second check identifier from the user (column 7, lines 12-29);

a searching module configured to search in a database for a record that relates to the received first check identifier, the database being connected to the check processing system;

a requesting module configured to transmit a request to the user to request a second check identifier, if the searching module cannot find a record in the database that relates to the received first check identifier;

a comparing module configured to compare the received first check identifier with the received second check identifier to determine if the first check identifier is consistent with the second check identifier; and

an acceptance module configured to accept the received first check identifier as a correct entry, if the comparing module determines that the first check identifier is consistent with the second identifier, or if the searching module has found a record in the database that relates to the first check identifier.

As per claim 21, Carney et al. disclose the receiving module is configured to receive a first check identifier including a routing number, an account number, and a check number from the user.

As per claim 22, Carney et al disclose the receiving module is configured to receive a first check identifier including a routing number, an account number, a check number and separator symbols from the user (column 7, lines 50-67).

As per claim 23, Carney et al disclose the receiving module is configured to receive a first check identifier including a routing number, an account number, a check number and replacement symbols from the user (column 7, lines 50-67).

Claims 20-23 are directed to receiving the check identifier from a merchant. This is explicitly not stated in the system of Carney et al. However, it should be noted that a user in the system of Carney et al can also be an operator or a merchant or any entity desiring to use their system. As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to also allow a merchant to use the system of Carney et al in order to help the merchant detecting fake checks or checks that have been altered which would have been beneficial to the merchant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantzy Poinvil
Primary Examiner
Art Unit 3692

FP
January 7, 2007